

ORDINANCE NO. 10-068

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 8 PARKING SPACES, WHERE AT LEAST 12 ARE REQUIRED CONTRA TO HIALEAH CODE §98-2189(1), ON PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 995 HIALEAH DRIVE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 22, 2010, recommended approval of this ordinance;

WHEREAS, Petitioner proffers to update and improve the entire building's façade implementing design elements consistent with the City's Code and complete all construction work on the site within 180-days from the effective date of this ordinance; and

WHEREAS, Petitioner proffers a declaration of restrictive covenants limiting the time available for use of five parking spaces to 10 minutes per occupant, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow 8 parking spaces, where at least 12 are required, contra to Hialeah Code §98-2189(1), which provides in pertinent part: "*Automotive uses in districts or areas zoned commercial*. One (1) parking space for each two hundred (200) square feet of gross floor area or one (1) parking space for each two thousand (2,000) square feet of total lot area,

whichever is greater.”, on property zoned C-2 (Liberal Retail Commercial District). The property is located at 995 Hialeah Drive, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE EAST 214.53 FEET OF THE SOUTH 160.00 FEET
OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF
SECTION 17, TOWNSHIP 53 SOUTH, RANGE 41
EAST, IN THE CITY OF HIALEAH, MIAMI-DADE
COUNTY, FLORIDA, LESS THE SOUTH 35 FEET
THEREOF AND LESS THE EAST 60 FEET THEREOF.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

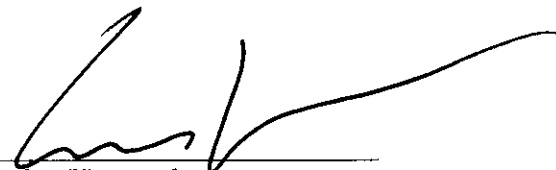
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

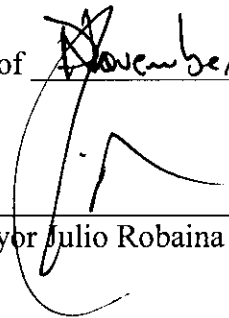
PASSED and ADOPTED this 23rd day of November, 2010.



Carlos Hernandez
Council President

Attest:

Approved on this 27 day of November, 2010.

David Concepcion, Acting City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes."